



## Constitutionalism

A written constitution contains the most important laws by which a nation's citizens agree to live, and it outlines the basic structure of their government. Thus, democratic constitutionalism — based on ideals of individual freedom, community rights, and limited government power — creates the framework for governing a democracy.

➤ Constitutionalism recognizes that democratic and accountable government must be coupled with constitutional limits on the power of government.

➤ A constitution defines the basic purposes and aspirations of a society, including the common welfare of the people.

➤ All laws must be written in accordance with the constitution. In a democracy, an independent judiciary allows citizens to challenge laws they believe to be illegal or unconstitutional and to seek court-ordered remedies for illegal actions by the government or its officials.

➤ A constitution provides the framework for government power — its scope of authority, mechanisms for exercising that authority, and the procedures for passage of future laws.

➤ A constitution defines citizenship and establishes the basis for deciding who shall have the right to vote.

➤ A constitution establishes the political, administrative, and judicial foundations of the state including the structure of the legislature and courts, requirements for holding elected office, and terms of office for elected officials.

➤ A constitution lays out responsibilities of government ministries and grants authority to collect taxes and create a national defense force.

➤ In a federal system, the constitution divides power among the various levels of government.

➤ Since a constitution is written at a certain point in time, it must be amendable so that it may adapt to the changing needs of the people in the future. Since the flexibility to meet unpredictable and unforeseeable challenges in the future is important, constitutions are usually written to specify general principles of government.

➤ Constitutions generally contain two different types of rights — negative and affirmative rights.

- Negative rights tell the government what it cannot do. These rights limit government and prevent it from affecting certain behaviors of its citizens. For example, the government must refrain from limiting free speech and the ability of citizens to peacefully assemble, and from illegal imprisonment.

- Affirmative rights tell the government what it must do and citizens what they are entitled to. Such "entitlements" may include social, economic, and cultural rights in the form of government guarantees of various social indicators. There may be guarantees of primary and secondary education for all boys and girls, guaranteed "well being" after retirement, or jobs and health care for all citizens.